

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

REGINALD MOUSCARDY,

Petitioner,

v.

D.K. WHITE,

Respondent.

Civil Action No. 20-2143 (RBK)

**OPINION AND ORDER**

Before the Court is Petitioner's motion for default judgment and Respondent's request for an extension of time to file supplemental briefing. (ECF Nos. 23, 24.) As to Petitioner's motion, he seeks default judgment because Respondent failed to submit supplemental briefing within thirty days of the Court's January 29, 2021, Order.

The Court will deny Petitioner's motion. A motion for default judgment is inappropriate in a habeas case for a litany of reasons. *See, e.g., In re West*, 591 F. App'x 52, 54 n.3 (3d Cir. 2015) ("Even if the Government had failed to respond to the § 2255 motion, it does not follow that West is entitled to a default judgment."); *Bermudez v. Reid*, 733 F.2d 18, 21 (2d Cir. 1984) (observing that if district courts were to grant default judgments in habeas cases, "it would be not the defaulting party but the public at large that would be made to suffer, by bearing either the risk of releasing prisoners that in all likelihood were duly convicted, or the costly process of retrying them"); *Garcia v. United States*, No. 19-181, 2019 WL 5788087, at \*1 (D.N.J. Nov. 6, 2019).

With regard to Respondent's request for an extension of time to submit supplemental briefing, Respondent contends that he needs additional time to secure certain state court records. The Court finds that those records could be relevant to the Court's request for supplemental briefing and that Respondent has shown good cause for his delay. As a result, the Court will grant Respondent's request for an extension.

Accordingly, IT IS on this 10th day of March 2021,

**ORDERED** that Petitioner's motion for default judgment, (ECF No. 24.), is DENIED; and it is further

**ORDERED** that Respondent's request for an extension of time to submit supplemental briefing is GRANTED, and Respondent shall have thirty (30) days from the date of this Order to submit his supplemental briefing; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Opinion and Order upon Petitioner by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge